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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FARMERS INSURANCE EXCHANGE,
as subrogee of Doug Ansell,

Case No. 2:17-cv-02906-APG-PAL

Plaintiff,

vs.

TOTO USA, INC. a Georgia corporation;
CHRISTOPHER HOMES, LLC, a Nevada
company; DOES I – X, inclusive, and
ROE CORPORATIONS I – X, inclusive

**STIPULATED MOTION AND
ORDER TO AMEND DISCOVERY
PLAN AND SCHEDULING ORDER
(First Request)**

Defendants.

Plaintiff, FARMERS INSURANCE EXCHANGE (“Plaintiff” or “Farmers”), and Defendant, TOTO USA, INC. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree, pursuant to FRCP 6(b), FRCP 29(b) and LR IA 6-1, to amend the current discovery plan. ***This is the first request for an amendment of the discovery plan in this matter.*** In support of the instant Motion, the Parties state as follows:

A. INTRODUCTION

1. On March 23, 2018, the Court granted the parties Stipulated Motion to file an Amended Complaint. Plaintiff filed the Amended Complaint on March 26, 2018 adding an additional defendant, Christopher Homes, LLC to the instant action.

2. Defendant Christopher Homes, LLC was served the Amended Complaint on Friday, March 30, 2018, but has not yet appeared.

1 3. The Parties have conferred regarding this Motion and have agreed that, in
2 light of the addition of defendant Christopher Homes, LLC, to the litigation, the
3 deadlines reflected in the Stipulated Discovery Plan and Scheduling Order, entered on
4 January 10, 2018 (Dk. 10), should be amended in order that defendant Christopher
5 Homes, LLC may enter an appearance and participate in the litigation.

6 **B. PROPOSED AMENDMENTS TO THE DISCOVERY PLAN**

7 The parties propose the following amendments to the current Stipulated
8 Discovery Plan and Scheduling Order:

9 A. Discovery Cut-Off Date(s): The proposed cut-off date for discovery shall
10 be Friday, December 21, 2018.

11 C. FRCP Rule 26(a)(2) Disclosure of Experts: Disclosure of experts shall
12 proceed according to FRPC Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure
13 of experts and their reports shall occur on or before October 22, 2018. The disclosure
14 of rebuttal experts and their reports shall occur on or before November 21, 2018.

15 D. Dispositive Motions: The parties shall have until January 21, 2019 to file
16 dispositive motions. This is 30 days after the discovery cut-off date, as required by LR
17 26-1(e)(4). In the event that the discovery period is extended beyond the proposed cut-
18 off date set forth above, then the date for filing dispositive motions shall be extended no
19 later than thirty (30) days from the new discovery cut-off date.

20 E. Pre-Trial Order: The parties will prepare a Consolidated Pre-Trial Order
21 on or before February 21, 2019, which is not more than 30 days after the date set for
22 filing dispositive motions in the case, as required by LR 26-1(e)(5). This deadline will be
23 suspended if dispositive motions are timely filed until 30 days after the decision of the
24 dispositive motions or until further order of the Court. The disclosure required by FRCP
25 Rule 26(a)(3), and objections thereto, shall be made in the pre-trial order.

26 K. Interim Status Report: The joint interim status report required by LR 26-3
27 shall be filed no later than February 22, 2019, or sixty (60) days prior to the close of
28 discovery in the event that the discovery period is extended beyond the proposed cut-off

1 dates set forth above.

2 The parties stipulate and agree that paragraphs F-J and L-O of the Stipulated
3 Discovery Plan and Scheduling Order dated January 10, 2018, shall remain unchanged.

4 WHEREFORE, the Parties jointly request that the Court grant this Motion to
5 Amended the Stipulated Discovery Plan and Scheduling Order.

6 DATED this 2nd day of April, 2018.

7 SNELL & WILMER, LLP

8
9 /s/ Alexandria Layton
By:

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15 IT IS SO ORDERED

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19 UNITED STATES MAGISTRATE JUDGE

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21 DATED: this 14th day of May, 2018